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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/776,016	02/02/2001	Richard L. Campbell	ELE-001	7382

21323 7590 04/06/2005

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EXAMINER
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FRENEL, VANEL

ART UNIT	PAPER NUMBER
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3626

DATE MAILED: 04/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Office Action Summary</b>	<b>Application No.</b> 09/776,016	<b>Applicant(s)</b> CAMPBELL, RICHARD L.	
	<b>Examiner</b> Vanel Frenel	<b>Art Unit</b> 3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/31/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### Notice to Applicant

1. This communication is in response to the application filed on 02/02/01. Claims 1-21 are pending.

### ***Claim Rejections - 35 USC § 101***

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 10-17 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The basis of this rejection is set forth in a two-prong test of:

- (1) whether the invention is within the technological arts; and
- (2) whether the invention produces a useful, concrete, and tangible result.

For a claimed invention to be statutory, the claimed invention must be within the technological arts. Mere ideas in the abstract (i.e., abstract idea, law of nature, natural phenomena) that do not apply, involve, use, or advance the technological arts fail to promote the "progress of science and the useful arts" (i.e., the physical sciences as opposed to social sciences, for example) and therefore are found to be non-statutory subject matter. For a process claim to pass muster, the recited process must somehow apply, involve, use, or advance the technological arts.

In the present case, claims 10-17 recite "a computer-based system for managing an insurance claim". However, the recitation of a computer in a preamble of a claim has no patentable weight.

As to technological arts recited in the preamble, mere recitation in the preamble (i.e., intended or field of use) or mere implication of employing a machine or article of manufacture to perform some or all of the recited steps does not confer statutory subject matter to an otherwise abstract idea unless there is positive recitation in the claim as a whole to breathe life and meaning into the preamble.

Mere intended or nominal use of a component, albeit within the technological arts, does not confer statutory subject matter to an otherwise abstract idea if the component does not apply, involve, use, or advance the underlying process. In the present case nothing in the body of the claims 10-17 recite any structure or functionality to suggest that a computer performs the recited steps.

As such, the above deficiencies may be cured simply explicitly reciting that the claimed systems steps are embodied or implemented on "a computer system" or on "a computer- readable medium" within the body of the claims (as appropriate), provided Applicant show proper support for such recitations in the originally filed specification.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Powers (5,956,691) in view of Loveland (6,810,383).

(A) As per claim 1, Powers discloses a computer-based method of managing an insurance claim, comprising:

(A) sending over a network to a claimant a questionnaire about an incident (See Powers, Col.9, lines 57);

(B) receiving over the network a response to the questionnaire (See Powers Col.9, lines 58-67);

(C) sending over the network to the claimant a request for at least one document associated with the incident, the request based on at least some of the received response to the questionnaire (See Powers, Col.9, lines 58-67);

(D) receiving, storing, and maintaining the at least one document requested of the claimant (See Powers, Col.5, lines 43-61).

Powers fails to teach (E) creating the insurance claim which includes the at least one document and the at least some of the response to the questionnaire; (F) assigning a credibility rating to the insurance claim based on the at least one document and at least some of the response to the questionnaire.

However, this is disclosed by Loveland. In particular, Loveland teaches (E) creating the insurance claim which includes the at least one document and the at least some of the response to the questionnaire (See Loveland, Col.5, lines 60-67 to Col.6, line 6); (F) assigning a credibility rating to the insurance claim based on the at least one document and at least some of the response to the questionnaire (See Loveland, Col.7, lines 9-14; Col.8, lines 18-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Loveland within the system of Powers with the motivation of generating a quality rating for service providers listed in system databases. Quality ratings may also be based on other input from service consumers, claimants and other parties (See Loveland, Col.3, lines 46-50).

(B) As per claim 2, Loveland discloses the method further comprising estimating a monetary value associated with the insurance claim (See Loveland, Col.3, lines 57-67 to Col.4, line 13).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 1, and incorporated herein.

(C) As per claim 3, Loveland discloses the method further comprising submitting the insurance claim to an insurance company on behalf of the claimant (See Loveland, Col.8, lines 39-50).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 1, and incorporated herein.

(D) As per claim 4, Loveland discloses the method further comprising negotiating terms of a claim settlement with the insurance company (See Loveland, Col.8, lines 37-67).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 1, and incorporated herein.

(E) As per claim 5, Loveland discloses the method further comprising requesting an attorney to represent the claimant (The Examiner interprets an assignor to be a form of attorney See Loveland, Col.15, lines 6-21).

The motivation for combining the features Powers and Loveland is as given above in rejection of claim 1, and incorporated herein.

(F) As per claim 6, Powers discloses the method further comprising generating an abstract of the insurance claim (See Powers, Col.5, lines 43-61).

(G) As per claim 7, Powers discloses the method further comprising editing the at least one document (See Powers, Col.5, lines 43-61).

(H) As per claim 8, Loveland discloses the method further comprising electronically generating and storing notes associated with the insurance claim (See Loveland, Col.12, lines 12-42).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 1, and incorporated herein.

(I) As per claim 9, Loveland discloses the method wherein the network comprises the Internet (See Loveland, Col.18, lines 20-25).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 1, and incorporated herein.

(J) As per claim 10, Powers discloses a computer-based system for managing an insurance claim, comprising:

(A) an electronic questionnaire module for sending over a network to a claimant a questionnaire about an incident (See Powers, Col.9, lines 57);

(B) a receiving module for receiving over the network a response to the questionnaire (See Powers Col.9, lines 58-67);

(C) a document request module for sending over the network to the claimant a request for at least one document associated with the incident, the request based on at least some of the received response to the questionnaire (See Powers, Col.9, lines 58-67);

(D) a receiving, storage, and maintenance module for receiving, storing, and maintaining the at least one document requested of the claimant (See Powers, Col.5, lines 43-61).

Powers fails to teach (E) an insurance claim creation module for creating the insurance claim which includes the at least one document and the at least some of the response to the questionnaire (See Loveland, Col.5, lines 60-67 to Col.6, line 6); (F) an insurance claim credibility assessment module for assigning a credibility rating to the



insurance claim based on the at least one document and at least some of the response to the questionnaire (See Loveland, Col.7, lines 9-14; Col.8, lines 18-50).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Loveland within the system of Powers with the motivation of generating a quality rating for service providers listed in system databases. Quality ratings may also be based on other input from service consumers, claimants and other parties (See Loveland, Col.3, lines 46-50).

(K) As per claim 11, Loveland discloses the system further comprising an insurance claim valuation module for estimating a monetary value associated with the insurance claim (See Loveland, Col.3, lines 57-67 to Col.4, line 13).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 10, and incorporated herein.

(L) As per claim 12, Loveland discloses the system further comprising an insurance claim submission module for submitting the insurance claim to an insurance company on behalf of the claimant (See Loveland, Col.3, lines 57-67 to Col.4, line 13).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 10, and incorporated herein.

(M) As per claim 13, Loveland discloses the system further comprising an insurance claim negotiation module for negotiating terms of a claim settlement with the insurance company (See Loveland, Col.8, lines 39-50).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 10, and incorporated herein.

(N) As per claim 14, Loveland discloses the system further comprising an attorney request module for requesting an attorney (The Examiner interprets an assignor to be a form of attorney See Loveland, Col.15, lines 6-21).

The motivation for combining the features Powers and Loveland is as given above in rejection of claim 10, and incorporated herein.

(O) As per claim 15, Powers discloses the system further comprising a claim abstract module for generating an abstract of the at least one insurance claim (See Powers, Col.5, lines 43-61).

(P) As per claim 16, Powers discloses the system further comprising an editing module for editing the at least one document (See Powers, Col.5, lines 43-61).

(Q) As per claim 17, Loveland discloses the system further comprising a note module for electronically generating and storing notes associated with the insurance claim (See Loveland, Col.12, lines 12-42).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 10, and incorporated herein.

(R) As per claim 18, discloses the system wherein the network comprises the Internet (See Loveland, Col.18, lines 20-25).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 10, and incorporated herein.

(S) Claim 19 differs from claims 1 and 10 by reciting a method of evaluating the credibility of an insurance claim.

As per this limitation, it is noted that Powers discloses (c) sending over the network to the claimant a request for at least one document associated the incident (See Powers, Col.9, lines 57);

(B) receiving over the network a response to the questionnaire (See Powers, Col.9, lines 27-67);

(C) sending over the network to the claimant a request for at least one document associated the incident, the request based on at least some of the received response to the questionnaire (See Powers, Col.9, lines 27-67) and Loveland discloses determining a credibility score based on the at least one document and the one document and the at least some of the received response to the questionnaire See Loveland, Col.7, lines 9-14; Col.8, lines 18-50).

Thus, it is readily apparent that these prior art systems utilize a method of evaluating the credibility of an insurance claim to perform their specified function.

The remainder of claim 19 is rejected for the same reasons given above for claims 1 and 10, and incorporated herein.

(T) As per claim 20, Loveland discloses the method further comprising reporting over the network to the claimant the credibility score and how the credibility score was calculated (See Loveland, Col.8, lines 9-36).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 19, and incorporated herein.

(U) As per claim 21, Loveland discloses the method further comprising informing the claimant over the network about any documents not yet received that affect the calculation of the credibility score (Fig.19, Col.15, lines 38-57).

The motivation for combining the features of Powers and Loveland is as given above in rejection of claim 19, and incorporated herein.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not applied art teaches personal injury claim management system (5,956,687), method of evaluating a permanent life insurance

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policy (6,456,979), method and system for online binding of insurance policies (2003/0093302) and automated task management and evaluation (6,810,383).


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 703-305-4952. The examiner can normally be reached on Monday-Thursday from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 703-305-9588. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F.  
V.F

March 16, 2005

  
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